

13
Constitution and By-Laws *14*

OF THE

PHILADELPHIA

GAME PROTECTIVE ASSOCIATION,

AND SYNOPSIS OF

THE GAME LAWS

OF THE

STATE OF PENNSYLVANIA.

ORGANIZED . . . AUGUST 7, 1871.

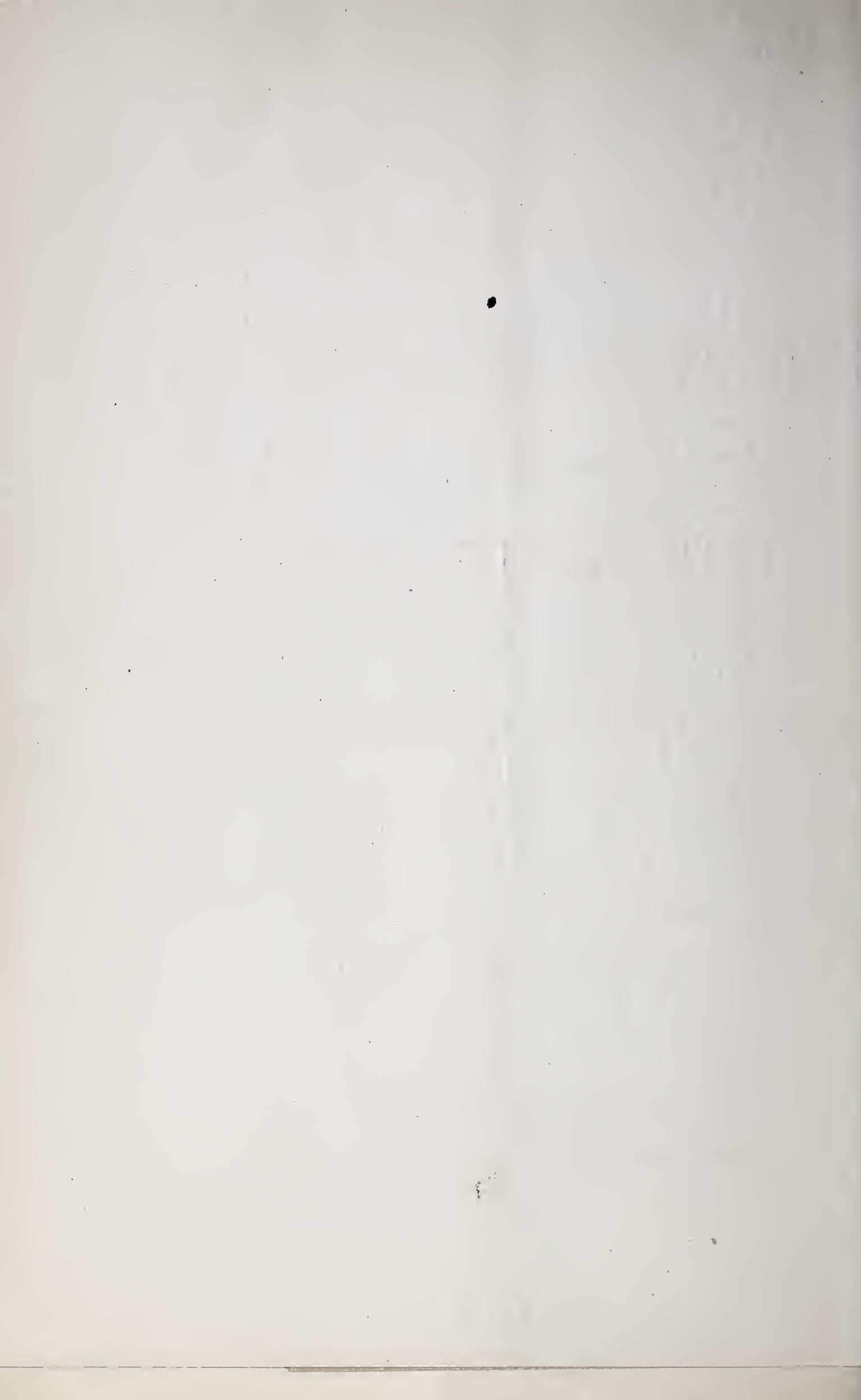
INCORPORATED MARCH 19, 1872.

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Vice-President,

ADOLPH S. OHL.

Treasurer.

THOMAS SINNICKSON.

Secretary,

H. B. PEARSON.

Assistant Secretary,

FREDERICK STOEVER.

Board of Directors,

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DR. W. S. HALSEY,

A. N. MORTON,

C. H. MOORHEAD,

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Secretary,

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Assistant Secretary,

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Board of Directors,

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Vice-President,

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Treasurer,

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Assistant Secretary,

WM. R. KNIGHT.

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JNO. C. JOHNSON,

WM. H. GUMBES,

JNO. B. SARTORI,

BENJ. W. RICHARDS.

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Vice-President,

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Treasurer,

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Secretary,

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Assistant Secretary,

WILLIAM R. KNIGHT.

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Treasurer,
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Secretary,
WM. R. KNIGHT.

Assistant Secretary,
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FRANKLIN C. JONES,
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FRANK FURNESS.

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BENJAMIN W. RICHARDS.

Vice-President,

H. CRAWFORD COATES.

Secretary and Treasurer,

P. C. DESAUQUE.

Assistant Secretary,

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JOHN C. JOHNSON,

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JOHN S. DAVIS.

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Vice-President,

W. W. COLKET.

Secretary and Treasurer,

P. C. DESAUQUE.

Assistant Secretary,

JOHN LLOYD, JR.

Board of Directors,

JOHN B. SARTORI, CHAIRMAN.

FRANKLIN C. JONES,

FRANK FURNESS,

JOHN S. DAVIS,

GEORGE K. CRAGIN.

AN ACT

To Incorporate the Philadelphia Sportsmen's Club.

SECTION 1.—Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John F. Hartranft, Charles H. T. Collis, P. Mitchell, John B. Sartori, Howard N. Potts, Charles W. Matthews, Alonzo L. Wilcox, George F. Keyser, John W. Lockwood, Horace T. Sloan, Horace B. Pearson, Bernard A. Hoopes, Clement S. Phillips, Thaddeus Norris, Thomas Sinnickson, Daniel M. Williams, Charles H. Moorehead, William S. Halsey, M. D., James Williams, M. D., J. Gillingham Fell, Edward S. Clark, Annesley N. Morton, members of the association called the Philadelphia Sportsmen's Club, and those who may hereafter be associated with them, shall be, and they are hereby created and declared to be a body politic and corporate, by the name, style and title of the Philadelphia Sportsmen's Club, and by the same name shall have perpetual succession and shall be able to sue and be sued, implead and be impleaded in all courts of record, or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature, kind and quality soever, real, personal or mixed, or choses in action, and the same, from time to time, to sell, grant, de-

wise, alien or dispose of. *Provided*, That the value of the lands and tenements held by the said corporation shall at no time exceed in value the sum of fifteen thousand dollars; also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such constitution, by-laws, ordinances, rules and regulations as shall appear necessary and convenient for the government of the said corporation and in furtherance of its objects, not being contrary to this charter, and the constitution and laws of the United States, or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. That the said corporation shall have power to enforce all laws and ordinances against the unlawful killing and selling of game and game fish, in the State of Pennsylvania.

W. ELLIOTT,
Speaker of House of Representatives.

JAS. S. RUTAN,
Speaker of Senate.

Approved the nineteenth day of March, Anno Domini, one thousand eight hundred and seventy-two.

JNO. W. GEARY.

Office of the Secretary of the Commonwealth,

Harrisburg, March 22, A. D. 1872.

Pennsylvania, ss.



I do hereby certify, That the foregoing and annexed is a full, true and correct copy of the original Act of the General Assembly, entitled "An Act to Incorporate the Philadelphia Sportsmen's Club," as the same remains on file in this office.

In Testimony Whereof, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed the day and year above written.

A. C. REINOEHL,
Deputy Secretary of the Commonwealth.

*In the Court of Common Pleas, No. 1,
for the County of Philadelphia.*

*In the matter of petition of
the Philadelphia Sportsmen's
Club, for change of name and
title.* } March Term, 1878,
No. 1161.

AND NOW, June 15, 1878, it appearing to the Court that the within petition was filed in the office of the Prothonatory of this Court, and notice thereof was published in the "Legal Intelligencer," and "Daily Times," newspapers printed in the city of Philadelphia, for three weeks, and no reason being filed to the contrary, it is decreed and declared that the name, style and title of the "Philadelphia Sportsmen's Club" be changed to "The Philadelphia Game Protective Association," and that said petition and order thereon be recorded in the office for recording of deeds, &c., in this city.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at Philadelphia, this 15th day of August, A. D. 1878.

[SEAL.]

GEO. T. DEISS,
pro Prothonatory.

Recorded in the office for recording of deeds for the city and county of Philadelphia, in Charter Book No 4, page 178, &c.

Witness my hand and seal of office this
16th day of August, A. D. 1878.

[SEAL.]

D. H. LANE, *Recorder.*

CONSTITUTION.

ARTICLE I.

This organization shall be known as "The Philadelphia Sportsmen's Club."

ARTICLE II.

This Club has for its object the protection and propagation of game and game fish, the enforcement of all laws and ordinances against the unlawful killing or selling of the same, and the advancement of fellowship, unanimity, and a higher standard of action among sportsmen.

ARTICLE III.

The officers of this Club shall consist of a President, a Vice-President, a Treasurer, Secretary, an Assistant Secretary, and a Board of Directors, consisting of five active members of the Club, whose duties shall be such as the By-Laws prescribe, all of whom shall be elected annually at the stated business meeting in December; nominations to be made at the previous stated meeting.

ARTICLE IV.

No person shall be admitted into this Club under

the age of twenty-one years, and no professional shooter shall be eligible to membership.

ARTICLE V.

The stated business meetings of the Club shall be held on the first Wednesday of each month, at 7½ o'clock, P. M., or at such hour as the Club may direct. Special meetings may be held by order of the President or Board of Directors.

ARTICLE VI.

At any meeting of the Club seven members shall constitute a quorum, and a majority vote shall be necessary for the election of any officer or the transaction of any business. In the election of new members, if three black balls appear against any candidate, he shall be declared rejected.

ARTICLE VII.

The By-Laws shall be of equal binding force with the Constitution, and no alteration or amendment shall be made in either, unless proposed in writing at a preceding meeting, and adopted by the concurrent votes of two-thirds of those present.

BY-LAWS.

DUTIES OF OFFICERS.

The *President* shall preside at all meetings, maintain order, and enforce the rules and regulations of the Club. He shall have power to fine any member for disorderly conduct during a meeting, in a sum not exceeding one dollar, from which, however, an appeal may be made. He shall inspect all ballots for candidates for membership, and announce the result. He shall sign all orders on the Treasurer, and shall, at the written request of five active members, direct the Secretary to call special meetings.

The *Vice-President* shall act in the place of the President during his absence.

The *Treasurer* shall receive from the Secretary all moneys, and pay them out on the authorized order of the Secretary, countersigned by the President, and shall present a detailed report of his receipts and disbursements at the stated meeting in December.

The *Secretary* shall keep a record of the transactions of the Club, receive and pay to the Treasurer all moneys belonging to the Club, keep accurate accounts with its members, draw all orders for the payment of bills ordered by the Club, and give notice to members in arrears for dues or fines. He shall notify all officers of their election, and every committee of their appointment, through their Chairman, unless they were present when elected or ap-

pointed. He shall keep a correct list of all the members, with the date of their entering and leaving the Club, and on the election of a member, notify him thereof. He shall attend to all correspondence, give notice of all regular and special meetings, and transact all other business pertaining to his office. His books shall be open for inspection at all stated meetings.

The *Board of Directors* shall have charge of the property and effects of the Club, keeping a correct inventory thereof; they shall have charge of the Club room and keep the same in good order; they shall receive and take charge of all gifts of books, pictures, or other works of art, specimens of natural history, &c. They shall make all purchases ordered by the Club, audit the accounts of the Secretary and Treasurer, and report the same at the stated meeting in December, and transact all business duties not otherwise herein ordered. They shall also prosecute all violators of the laws and ordinances against the killing or selling of game, or game fish, illegally. They shall also constitute the Elective Committee, whose duty it shall be to investigate the character and standing of all candidates proposed for membership.

The *Assistant Secretary* shall assist and act for the Secretary in his absence.

INITIATION FEES AND DUES.

The initiation fee for an active member shall be \$3, and for a life-member \$50. The latter shall be forever entitled to all the privileges and immunities of the Club, and be exempt from the payment of

dues and assessments. Each candidate elected shall perfect his membership by paying his initiation fee on or before the expiration of three months, or such election shall be void. Contributing members shall be proposed and elected in the same manner as active members, and shall have the privileges of active members except voting, holding office, or interest in any property of the Club. The dues of active members shall be at the rate of ten (\$10) dollars yearly; contributing members five dollars, payable at the December stated meeting, in advance. Members neglecting to pay their dues within three months thereafter, shall be suspended from all privileges of membership, and at the expiration of six months shall be liable to expulsion; provided, however, that any member may be reinstated to membership upon paying all dues and fines accrued or levied from the time of his failure to pay his dues, by vote of a majority of members present at any stated meeting.

FINES AND PENALTIES.

Any member causing any injury to the property of the Club shall have the same repaired or replaced at his own expense, and should he neglect forthwith to do so, the Board of Directors shall cause the same to be done, and direct the Secretary to charge the expense therefor to the offending member.

Any member of this Club who shall violate the game laws of the State, by shooting at, killing, catching, or selling any game or game fish mentioned in said laws, within the period or periods in which the same is or are forbidden by said laws to be shot at, killed, caught or sold, or who shall purchase the

same within said periods, except as permitted by said laws or for evidence in prosecutions for violations thereof, shall be subject to a fine of \$25, and in addition thereto may be suspended or expelled by a two-thirds vote, at a stated meeting; but no final action shall be taken under this clause, unless the accused member be present or shall have been notified by the Secretary of the intended action of the Club, at least ten days before such stated meeting, so that he may offer his defence.

For any ungentlemanly conduct in the rooms of the Club, or for any conduct or action intended, in the opinion of the members, to thwart or obstruct the true objects, intents and interests of the Club, the offending member may be suspended or expelled by a two-thirds vote, at a stated meeting; but no action shall be had unless the member be present, or shall have been notified by the Secretary of the intended action of the Club, so that he may offer his defence.

No games of any kind shall be played on Sunday, or for money, at any time, in the Club room.

No member shall take from the room any book or other property of the Club; nor shall he divulge to persons, not members, any of its transactions, under such penalties as the Club may see proper to inflict.

No private subscription paper, raffle list, or any paper or papers partaking of the nature of the same, shall be allowed to be exposed or circulated for signatures in the Club room.

All dues, fines and penalties shall be charged on the books of the Secretary, and can only be remitted for cause shown, and at a stated meeting of the Club.

ELECTION OF MEMBERS.

All candidates for membership shall be proposed in writing, at a stated meeting of the Club, and their names, with that of their proposers, shall be posted on the bulletin board of the Club at least thirty days prior to the election, and shall be balloted for at the next stated meeting, if approved by the Elective Committee, when, if three black balls do not appear, they shall be declared elected.

Honorary members shall be proposed in the same manner as active members, and elected by a unanimous vote. They shall be exempt from all initiation fees, dues and assessments, and be allowed all the privileges of active members, except holding office and voting; provided, however, that they shall have no pecuniary interest in the property of the Club.

Non-resident members, being candidates living outside of the State, shall be proposed and elected in the same manner as honorary members, and shall enjoy the same privileges.

RESIGNATIONS.

Any member can resign from the Club by giving notice in writing to the President; but no resignation shall be accepted if the member be in arrears for dues or otherwise. Upon the acceptance of such resignation, all interest in the property of the Club of the member resigning, or in any manner ceasing to be a member, shall be vested in the Club absolutely.

VISITORS.

Strangers may be introduced by any member of

the Club, who shall record their names and residences, and the date of their introduction, in the visitor's book, and such visitors shall enjoy all the privileges of the Club room for one month after the date of their introduction; but they shall not be present at any of the business meetings of the Club.

SOCIAL MEETINGS.

There shall be two social meetings of the Club held in each year, during the months of April and September, or at such time as the Board of Directors shall appoint, for the purpose of recreation, promoting social intercourse, matches of skill, or such other amusement as the members participating shall desire, subject to the approval and under the direction of the Board of Directors. Shooting matches between members of this association and professional shooters, for money or stakes, will not be consented to by the Club, and members engaging in such, against the wishes of the Club, may be expelled. All matches shall be governed by the rules of this Club.

VACANCIES IN OFFICE.

In all cases where a vacancy occurs in any elective office, by resignation or otherwise, it shall be the duty of the presiding officer, for the time being, to announce such vacancy at a stated meeting of the Club; whereupon nominations may be made to fill the unexpired term of said office, to be voted upon at the next following stated meeting, in the same manner as elections for officers are now conducted. Provided, that in the meantime, and until said election, said office

may be filled by the appointment of said presiding officer.

ORGANIZATION OF THE BOARD OF DIRECTORS.

It shall be the duty of the Board of Directors to organize at as early a day as practicable after their election, by choosing one of their members to act as Chairman and one to act as Secretary; and they shall keep regular minutes of their transactions in a book to be provided for the purpose, the same to be open to the inspection of the President and Secretary, and to be transmitted, together with all business papers relating to the affairs of the Club, to their successors in office, upon the expiration of their official term.

RULES OF ORDER.

I. No motion shall be entertained unless duly seconded, nor be open for discussion until stated by the Chairman. When a question is before the meeting, no motion shall be received unless to lay on the table, previous question, to refer, to amend, or to postpone, and they shall have precedence in the order in which they are arranged, all of which shall be decided without debate.

II. Any member may call for a division of a question, when the sense will admit it.

III. Any five members may call for the yeas and nays; they shall be *ordered* by the President, and recorded on the minutes.

IV. After any question except the previous question has been decided, any member who voted in the majority may, at the same time, or at the next meeting, move for a reconsideration thereof, but no discussion shall be allowed unless reconsidered.

V. All questions, unless fixed by law, shall be determined by a majority of votes.

VI. Any member wishing to speak, must rise from his seat and address the Chair.

VII. When two or more members rise at the same time, the Chairman shall decide which of them is entitled to the floor.

VIII. Any member offering a resolution shall reduce the same to writing, if requested by the Chairman.

IX. All fines and penalties shall be decided by the Chairman, without debate, after which any member has a right to appeal to the meeting.

X. An amendment is at all times in order, and if accepted by the mover of the resolution, the question shall be on the motion as amended; if not, the amendment shall be the first question under consideration.

ORDER OF BUSINESS.

1. Minutes of the preceding meeting.
2. Collection of fines and dues.
3. Report of the Treasurer.
4. Election of members.
5. Report of Committees.
6. Deferred business.
7. New business.
8. At December meeting, report of the Board of Directors and election of officers.
9. Adjournment.

INTERPRETATION OF BY-LAWS.

If any difficulty should arise concerning the true import of any of the laws herein contained, it shall be decided at a stated meeting, a two-thirds vote being necessary to decide the same.

GAME AND GAME FISH LAWS OF PENNSYLVANIA.

AN ACT

TO AMEND AND CONSOLIDATE THE SEVERAL ACTS
RELATING TO GAME AND GAME FISH.

Elk, Deer and Antelope.

SECTION 1.—*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That no person shall kill or pursue, in any part of the State, any elk or wild deer, save only from the first day of October, in any year, to the sixteenth day of December next following; no person shall have in his or her possession, or offer for sale or transport, any elk, wild deer, antelope, or fresh venison, save only from the first day of October, in any year, to the sixteenth day of December next following; no person shall at any time kill any fawn when in its spotted coat, or have the fresh skin of any such fawn in his or her possession; no person shall pursue any elk or wild deer with dogs, in any part of this State, or shall kill in the water any elk or wild deer or fawn which has been driven thereto by dogs; any person offending*

fowl between the fifteenth day of May and the first day of September of any year, under a penalty of ten dollars for each and every wild fowl so killed, taken, exposed for sale, or had in possession.

—Upland or Grass Plover.—

SECTION 7. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any upland or grass plover, between the first day of January and the fifteenth day of July, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

—Woodcock.—

SECTION 8. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any woodcock, between the first day of January and the fourth day of July, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

—Quail or Virginia Partridge.—

SECTION 9. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any quail or Virginia partridge, between the first day of January and the fifteenth day of October, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession.

—Ruffed Grouse and Pinnated Grouse.—

SECTION 10. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any ruffed grouse, commonly called pheasant, or pinnated grouse, commonly called prairie chicken, between the first day of January and the first day of October, in any year, under a penalty of ten dollars for each bird so killed, exposed for sale, or had in possession. And it shall not be lawful to hunt pheasants or pinnated grouse during the night-time, in any manner whatever, under a penalty of ten dollars for each offense.

—Rail and Reed Birds.—

SECTION 11. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any rail bird or reed bird, except in the months of September, October and November, under a penalty of five dollars for each and every rail or reed bird so killed, exposed for sale, or had in possession.

—Insectivorous Birds.—

SECTION 12. No person shall at any time, within this State, kill, trap, or expose for sale, or have in his or her possession after the same has been killed, any night-hawk, whip-poor-will, sparrow, thrush, lark, finch, martin, chimney-swallows, barn-swallows, woodpecker, flicker, robin, oriole, red or cardinal bird, cedar bird, tanager, cat bird, blue bird, or any other insectivorous bird, under a penalty of five dollars for

each bird killed, trapped, exposed for sale, or had in possession.

SECTION 13. The last section, to wit, Section 12, shall not apply to any person who shall kill any bird for the purpose of scientific investigation, or having the same stuffed or set up as a specimen.

—Destroying or Robbing Birds' Nests.—

SECTION 14. No person shall rob or destroy the eggs or nests of any wild birds whatsoever, only those of such predatory birds as are destructive of game and insectivorous birds, under a penalty of ten dollars. *Provided*, That this section shall not apply to any person who shall collect such eggs for scientific purposes.

—Wild Pigeons.—

SECTION 15. No person shall kill, catch, or discharge any fire-arms at, any wild pigeon while on its nesting-ground, or break up or in any manner disturb such nesting-ground or the birds therein, or discharge any fire-arms within one-fourth of a mile of such nesting-place of any wild pigeon or pigeons, or shoot at, maim or kill any wild pigeon or wild pigeons within their roostings, under a penalty of twenty dollars. *Provided*, That no person except citizens of this Commonwealth shall trap or catch wild pigeons with nets in any of the counties of this Commonwealth, unless he shall have first taken out a license from the County Treasurer of the county in which said pigeons are found, for which license he shall pay the sum of fifty dollars for the use of the said

county, under penalty of one hundred dollars. *And provided further*, That no person shall, at any time or place within this State, kill or take any wild pigeon with any net, trap or snare, nor set any such net, trap or snare for the purpose of taking or killing any of said pigeons, during the nesting season, nor shall any person sell or expose for sale any of the said pigeons, after the same shall have been so taken or killed, under a penalty of ten dollars for each bird so taken.

—Trapping, Netting and Snaring.—

SECTION 16. No person shall, at any time or place within this State, kill or take any wild turkey or ruffed grouse, commonly called pheasant, or quail or Virginia partridge, or woodcock, or rail or reed bird, or any pinnated grouse, commonly called prairie chicken, with any net, trap, snare or torchlight, nor use any such net, trap, snare or torchlight for the purpose of taking or killing any of said birds, nor shall any person sell or expose for sale any of the said birds after the same shall have been so taken or killed, under a penalty of ten dollars for each bird. And it shall be lawful for any person to take and destroy any such nets, traps or snares, whenever found set. *Provided*, That nothing in this section shall be so construed as to prevent individuals or associations for protection, preservation or propagation of game from gathering alive by nets or traps, with the written consent of the owner of the land, quails or Virginia partridges, from the twentieth day of December in any year to the first day of February next following, for the sole purpose of preserving them alive over the winter.

—Hunting and Fishing on Sunday.—

SECTION 17. There shall be no hunting or shooting or fishing on the first day of the week, called Sunday, and any person offending against the provisions of this section shall be liable to a penalty of twenty-five dollars.

—Speckled Trout.—

SECTION 18. No person shall at any time catch or kill any speckled trout with any device save only with rod, hook and line, except for the purpose of propagation, under a penalty of twenty-five dollars for each offense.

—Salmon and Speckled Trout.—

SECTION 19. No person shall kill or expose to sale, or have in his or her possession after the same has been killed, any sea salmon or speckled trout, save only during the months of April, May, June and July, under a penalty of ten dollars for each salmon or trout so killed or had in possession; but this section shall not prevent any person from catching trout with nets, in waters owned by himself, to stock other waters.

—Lake Trout.—

SECTION 20. No person shall kill any lake trout in the months of October, November and December, under a penalty of ten dollars for each fish.

Trespassing to Fish in Private Ponds or Streams.

SECTION 21. Any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant thereof, such notice being posted adjacent to such pond, stream or spring, shall be deemed guilty of trespass, and, in addition to damages recoverable by law, shall be liable to the owner, lessee or occupant in a penalty of one hundred dollars for every such offence; *Provided, however,* This section shall apply only to such ponds, streams or springs as shall be used or improved by the owners or lessees for the propagation of fish or game fish.

Fishing with Fish Baskets, Pond Nets, Set Nets, &c.

SECTION 22. It shall not be lawful for any person or persons to place any fish-basket gill nets, pond nets, eel wiers, kiddles, brush or facine nets, or any other permanently set means of taking fish, in any waters of this Commonwealth; any person violating the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense. *Provided,* That this section shall not apply to the fishing with gill nets in the River Delaware, below Trenton Falls.

Fishing with Seines, and Size of Meshes of Seines.

SECTION 23. It shall not be lawful, at any time, to catch fish by means of the drawing of a seine or

seines in any of the waters of this State, under a penalty of twenty-five dollars for each offense; *Provided*, That the provisions of this section shall not extend to shad fishing; *Provided also*, That the meshes of such seines, used for the catching of shad, shall not be less than three inches; *And provided further*, That no seine shall be drawn within one-fourth of a mile of any dam across any river of this Commonwealth, under a penalty of fifty dollars for each and every offense.

—Fishing with Fyke or Hoop Nets.—

SECTION 24. It shall be lawful to fish with fyke or hoop nets in any of the streams of this Commonwealth, uninhabited by brook or speckled trout, during the months of March, April, May, September, October and November in each year; *Provided*, That the meshes of said nets shall not be less than one inch in size, and that said net or nets shall not be placed at the confluence of any wing-walls either newly made or abandoned; *And provided further*, That it shall be the duty of any one taking or capturing by means of fyke or hoop net, as aforesaid, any salmon, bass, trout, speckled trout, pike, pickerel, or every kind of fish introduced into any of the waters of this Commonwealth by authority of the same for the purpose of stocking the said waters, to return the same alive to the waters whence taken; the violation of any of the provisions of this section shall subject the offender to a penalty of twenty-five dollars for each and every offense.

—Bass Fishing.—

SECTION 25. No person shall, by any means or device whatsoever, catch or kill in any of the waters of this State, any black bass, green bass, yellow bass, willow bass, rock bass, Lake Erie or grass bass, pike or pickerel, or wall-eyed pike commonly known as Susquehanna Salmon, between the first day of January and the first day of June, nor shall catch or kill any of said species of fish at any other time during the year, save only with a hook and line, scroll or spear; any violation of this section shall subject the offender to a penalty of ten dollars for each and every offense; *Provided*, This section shall not apply to the waters of Lake Erie, except in the ponds on the island or peninsula forming the north and east shores of the harbor of Erie.

Drawing off the Waters of Ponds or Streams, and use of Poisonous and Explosive Substances.

SECTION 26. No person or persons shall catch any speckled trout, yellow bass, green bass, willow bass or black bass, Lake Erie or grass bass, or other fish in any of the waters of this State, by shutting or drawing off any portion of said waters, or by dragging or drawing small nets or seines therein when the waters shall be wholly or in part drawn off, except by order of the State Fishery Commissioners; and it shall not be lawful for any one to place or cause to be placed in any of the waters of this Common-

wealth quick lime or poisonous bate, any torpedo, giant powder, nitro-glycerine or other explosive substance, with intent to catch or kill any fish aforesaid; and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty of fifty dollars.

—Appointment of Fish Wardens.—

SECTION 27. That the Board of Fish Commissioners shall, upon the application to them in writing of ten or more citizens of any county in this Commonwealth, appoint one or more Fish Wardens or water bailiffs, whose duty it shall be to enforce, by information or prosecution, the laws of this Commonwealth now in force or that may hereafter be passed providing for the propagation and protection of fish in any of the interior waters of this Commonwealth; *Provided*, That the Commonwealth shall not be liable to pay to any of the persons so appointed any salary or compensation for their services.

—Fishing in Private Waters.—

SECTION 28. Nothing in this act shall be so construed as to prevent any person in any part of this State from catching speckled trout or black bass with nets in waters owned by himself, for the purpose of stocking other waters; *Provided*, That nothing in this act shall be construed to prevent any person from taking fish from private ponds or streams owned by him or them, and used for cultivating fish.

—Bait Fish.—

SECTION 29. Nothing in this act shall be so construed as to prevent the catching of bait fish by means of hand nets or cast nets, for angling or scientific purposes.

New Fish Introduced by Fish Commissioners of Pennsylvania.

SECTION 30. That no person or persons shall catch or kill, by any means whatever, any lake bass or grass bass, rock bass or goggle eyes, or blue sun fish species newly introduced by the Fish Commissioners of the State, for a period of three years from January first, eighteen hundred and seventy-eight, under a penalty of five dollars for each and every fish so taken or had in possession.

Taking Bass Less than Six Inches in Length.

SECTION 31. No person shall, by any means or device whatever, or at any season of the year, kill any black, yellow, or green bass of a less size than six inches in length; but should any such fish be taken or captured by any means, of less size than six inches in length, it shall be the duty of any one so taking or capturing the same, to return the same immediately to the waters whence taken. Any violation of this section shall subject the offender to a penalty of ten dollars for each and every offense.

Fifteen Days Allowed for Disposing of Game after time limited for killing expires.

SECTION 32. Any person may sell or have in his or her possession any pinnated grouse commonly called prairie chicken, ruffed grouse commonly called pheasant, and quail or Virginia partridge or woodcock, for a period of fifteen (15) days after the time limited for killing the same has expired, and shall not be liable to any penalty under this act.

Possession of Game, Fish, Animals, Fowls, &c. Evidence of Violation of the Law.

SECTION 33. In all cases of arrests made for the violation of each or any of the foregoing sections of this act, the possession of the game, fishes, birds, animals fowls, nets, or other devices provided for or so mentioned, shall be prima facia evidence of the violation of said act: *Provided*, that nothing in this act will prevent any person from killing any wild animal or bird when found destroying grain, fruit or vegetables on his or her premises.

Mode of Procedure in Arrests for Violation of Act.—Fines and Penalties.

SECTION 34. Any justice of the peace or alderman, upon information or complaint made before him

by the affidavit of one or more persons, of the violation of the provisions of this act by any person or persons, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, or warden, to cause such person or persons to be arrested and brought before said justice or alderman, who shall hear and determine the guilt or innocence of the person or persons so charged, and if convicted of said offense or offenses; shall be sentenced to pay the fine or fines, penalty or penalties attached to such violations, together with costs, one-half of which penalties shall go to the informer, and the remaining one-half shall be forthwith paid to the treasurer of the county in which the offense was committed, and it shall be the duty of the said treasurer to distribute such fund so arising, at the close of each year, to the various school districts in said county, in proportion to the number of taxables in said districts. *Provided*, That said conviction shall be had within one year from the time of committing the offense. *And provided further*, That the defendant, on refusing to pay said penalty, shall be committed to the common jail of the county for a period of not less than one day for each dollar of penalty imposed, unless the defendant enter into recognizance with one or more sufficient securities to answer said complaint, on a charge of misdemeanor before the court of quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed.

Mode of Procedure for Violations of Act by Non-residents. Right of Search, &c.

SECTION 35. Any judge of the court of quarter sessions of the peace, or any alderman, justice of the peace, police or other magistrate, upon receiving sufficient proof by affidavit that any of the provisions of this act have been violated by any person being temporarily within his jurisdiction, but not residing there permanently, or by any person whose name and residence were unknown, or by any permanent resident or citizen, is hereby authorized and required to issue his warrant for the arrest of such person and to cause him to be committed or held to bail to answer the charge against him, and any such justice or magistrate upon receiving proof or probable cause for believing in the concealment of any game or fish mentioned in this act, during any of the periods prohibited, shall issue his search warrant and cause search to be made in any house, market, boat, car, vehicle or building; all courts of quarter sessions are hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county.

Duty of the Mayor, Burgess, Police, Constables, Clerks of Market, to arrest violators of the Game and Fish Law.

SECTION 36. It shall be and is hereby made the duty of the several mayors and burgesses of the several cities, towns and boroughs within this Com-

monwealth, to require their respective police or constabulary force, and it is hereby made their duty, as it is also hereby made the duty of the several clerks of market of said cities, towns and boroughs, to diligently search out and arrest, as for a misdemeanor, all persons violating the provisions of this act by having any game or fish mentioned therein unlawfully in their possession, or vending the same during any of the periods prohibited in this act, within such cities, towns or boroughs, and all persons so arrested shall be taken before the mayor, burgess, or any police or other magistrate of said cities, towns or boroughs in which the arrest is made, who shall proceed to hear and determine as to the truth of the offense charged on the oath or affirmation of one or more witnesses to the same; *Provided*, That the officer making the arrest shall be a competent witness, and if the person or persons so arrested shall be found guilty, he, she or they shall be convicted of a misdemeanor, and sentenced to pay the fine or fines, penalty or penalties imposed by this act for having such game or fish in possession, or vending the same, during any of the periods prohibited therein, together with the costs, one-half of said penalty shall go to the person informing and the other half shall be forthwith paid to the treasurer of the county or city in which the offense was committed, and in default of payment as aforesaid, the offender shall be committed to the common jail of the proper county for the term of not less than one day for each dollar of penalty imposed; *Provided*, That said conviction shall be had within one year after committing the offense; *And provided further*, That the defendant may, on refusing to pay said penalty, enter into a recognizance with one or

more sufficient sureties to answer said complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged, and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed; *Provided further*, That nothing in this section shall prevent any person or persons other than those particularly mentioned in this section, and having a knowledge of the violation of the provisions therein mentioned, from laying information of the same, and proceeding to recover the penalty or penalties therefor in the manner prescribed in the following section, who shall also be a competent witness on the trial of the case.

Cost of Suit a charge upon the County in which it is brought.

SECTION 37. Whenever any officer or constable making complaint of the violation of any of the provisions of this act shall fail to recover the penalty or penalties therein mentioned, in any prosecution or suit commenced by him or them pursuant to the foregoing sections of this act, the costs of suit incurred by him or them shall be a charge upon the proper county, and shall be audited and allowed as other county charges are audited and allowed.

Cases exceeding Jurisdiction of Aldermen and Justices of the Peace.

SECTION 38. In all cases not separately and particularly provided for in other sections of this act, wherever the penalty or penalties mentioned in said act exceed in amount the jurisdiction of aldermen or justices of the peace, it shall be the duty of the district attorney for the county where the offense is committed to commence actions for the recovery of such penalties, upon receiving proper information thereof, in the court of quarter sessions or other court having jurisdiction in the proper county, and in all such actions, brought by such district attorney, one-half the penalty recovered shall belong to the person laying information on which the action is brought, and the other half shall be paid to the treasurer of the county in which the offense is committed.

Time of Suit limited to one year.

SECTION 39. All actions for violation of the provisions of this act, except where otherwise therein directed, shall be brought within one year from the time such violation was committed.

Act not to apply to Streams forming Boundary Lines with other States.

SECTION 40. Nothing in this act shall be construed to apply to any stream forming the boundary lines between this and any State over which this

State has concurrent jurisdiction with such State so far as such streams form such boundary line, nor to any lake partly within the boundaries of this State.

SECTION 41. All acts or parts of acts which are inconsistent with this act, be and the same are hereby repealed.

THOMAS V. COOPER,

President pro tem of the Senate.

E. REED MEYER,

Speaker of the House of Representatives.

APPROVED, the third day of June, A. D. 1878.

J. F. HARTRANFT.

